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PATENT

Customer No. 22,852

Attorney Docket No. 05788.0182-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Tony Brown et al. ) Group Art Unit: 2874  
Application No.: 09/961,335 ) Examiner: Not Assigned  
Filed: September 25, 2001 )  
For: WATER-RESISTANT CABLE )

Commissioner for Patents  
Washington, DC 20231

Sir:

RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
APPLICATION AND PETITION UNDER 37 C.F.R. § 1.47(a) TO  
FILE DECLARATION WITHOUT EXECUTION BY A JOINT INVENTOR

In response to the Notice to File Missing Parts dated October 25, 2001, applicant, on behalf of himself and a non-signing joint inventor, submits a Declaration/Power of Attorney for filing in the above-identified application, an Abstract of the Disclosure, a Request for Extension of Time, the required fee of \$1,700.00, (four month extension of time fee of \$1,440.00, missing parts fee of \$130.00, and petition fee of \$130.00) and a copy of the Notice to File Missing Parts. Please associate the enclosed declaration and Abstract of the Disclosure with the above identified application.

Applicant hereby petitions the Commissioner of Patents and Trademarks under 37 C.F.R. 1.47(a) to accept the filing of the enclosed Declaration/Power of Attorney

04/26/2002 BSAYAS11 00000012 09961335

02 FC:122

130.00 OP

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document on behalf of himself (TONY BROWN) and NIGEL SHACKLETON who has refused to sign the Declaration/Power of Attorney.

37 C.F.R. 1.47(a) provides: “[i]f a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the non-signing inventor.

On September 25, 2001, Applicant filed the present patent application in the U.S. Patent and Trademark Office without an oath/declaration or assignment. As can be seen from the enclosed declaration of Ms. Mariangela Sala of the Industrial Property Department of Pirelli Cavi e Sistemi S.p.A., Mr. Nigel Fishlock of Pirelli Cables Ltd., and Mr. A. Roger Healey of Pirelli General, several attempts were made to have Mr. Shackleton, the joint inventor, sign the declaration and assignment documents for this patent application so that the executed documents could be filed with the patent application or so that a response could be submitted to the Notice to File Missing Parts dated October 25, 2001. However, Mr. Shackleton never returned any executed documents and he consistently refused to provide information, including his address, in response to requests made by telephone and in writing.

Mr. Shackleton is a citizen of Great Britain and his last known address is:

NIGEL SHACKLETON  
19 Five Locks Close  
Pontnewydd  
Gwent  
United Kingdom  
NP44 1DB

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Additionally, in the declaration from Mr. Nigel Fishlock, employed as Engineering Manager Cable Design at Pirelli Cables Ltd., Newport, United Kingdom, Mr. Fishlock encloses EXHIBIT K, a letter from Mr. Shackleton's solicitor, which warns against further attempts to contact Mr. Shackleton. Thus, Applicant is precluded from further attempts to contact Mr. Shackleton for assistance in this matter.

Applicant provides herewith:

- (A) A declaration signed by the available joint inventor on his own behalf as required by 37 C.F.R. 1.63 or 1.175 and also makes the declaration on behalf of the non-signing joint inventor as required by 37 C.F.R. 1.64. An oath or declaration signed by the available joint inventor with the signature block of the nonsigning inventor left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor, unless otherwise indicated. See MPEP 409.03(a).
- (B) Proof that the nonsigning inventor refuses to execute the application papers with a showing of diligent effort and attempts to solicit his cooperation.
- (C) The last known address of the nonsigning inventor.
- (D) The required petition fee of \$130.00.
- (E) The surcharge fee of \$130.00 for late filing of the Declaration.

Applicant respectfully requests that this petition under 37 C.F.R. 1.47(a) be granted and the Declaration of Mr. Tony Brown be accepted on behalf of himself and the nonsigning joint inventor.

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Please grant any extensions of time required to enter this response and charge  
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 25, 2002

By:

  
Ernest F. Chapman  
Reg. No. 25,961

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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
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[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/961,335	09/25/2001	Tony Brown	05788.0182

**CONFIRMATION NO. 5754**  
**FORMALITIES LETTER**



\*OC000000006972273\*

Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
1300 I Street, N.W.  
Washington, DC 20005-3315

Date Mailed: 10/25/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

04/26/2002 BSAYASI1 00000012 09961335

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE